

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLYSON HENRY,

Plaintiff,

v.

IAC/INTERACTIVE CORP., *et al.*,

Defendants.

CASE NO. C05-1510RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL

This matter comes before the Court on plaintiff's Motion to Compel. (Dkt. #178).

Plaintiff argues that defendants have failed to comply with discovery requests pertaining to defendants' after-acquired evidence affirmative defense, and asks the Court to either strike the defense completely, or compel responses. Defendants respond that plaintiff has failed to comply with her meet and confer obligations prior to filing the instant motion, and that all responsive documents have been provided in any event. (Dkt. #187). Defendants also argue that many of plaintiff's requests are overbroad and unduly burdensome.

The Court, having considered plaintiff's motion, defendants' response, plaintiff's reply, the declarations and exhibits in support of those briefs, and the remainder of the record, hereby finds and ORDERS:

(1) Plaintiff's Motion to Compel (Dkt. #178) is GRANTED. As an initial matter, the Court finds that plaintiff has fully complied with her meet and confer obligations with respect to the issues raised in this motion. Defendants represent to this Court that Expedia

asserted its after-acquired evidence defense based on the fact that Ms. Henry

1 violated her fiduciary and contractual duties to her employer by sharing
2 confidential and Expedia attorney-client privileged documents with her
attorneys prior to termination.

3 (Dkt. #187 at 2). Based on that representation, the Court hereby advises defendants that their
4 defense is now limited to evidence surrounding only that issue. Further, the Court is persuaded
5 that defendants' practices regarding their protection of privileged or confidential documents,
6 and their discipline of employees that they know disclosed confidential or privileged
7 information, are relevant to the jury's resolution of their asserted affirmative defense.
8 Accordingly, defendants are hereby COMPELLED to provide full and complete answers to
9 plaintiff's discovery requests no later than July 15, 2007.

10 (2) The Clerk shall forward a copy of this Order to all counsel of record.

11 DATED this 28th day of June, 2007.

12
13 

14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26